

REMARKS/ARGUMENTS

Claims 60-75 are currently pending in this application.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 63 and 71 contain allowable subject matter.

Claim Rejections - 35 U.S.C §103(a)

Claims 60-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No 6,256,509 to Tanaka et al (hereinafter Tanaka), in view of U.S. Patent No 5,793,744 to Kanerva et al (hereinafter Kanerva).

The pending claim 68 recites a method for use in a base station for communicating data between the base station and at least one code division multiple access (CDMA) user device receiving data from the CDMA user device over allocable code channels, wherein the code channels are divided in time by radio frames that are further divided into sub-frames; allocating the code channels on a sub-frame basis to support the transmitted data wherein the allocation of code channels includes adding and removing code channels assigned to the CDMA user device; and maintaining the CDMA connection with the CDMA user device when code channels are not allocated to the CDMA user device.

Tanaka discloses a broadcast information delivering system and a wireless communication system that can provide information requested by a user. In particular, the portion cited by the Examiner is directed at providing a traffic channel as well as a broadcast channel. According to Tanaka, in addition to the control channels, the BS forms multiple traffic channels for the downlink and uplink, and assigns a pair of downlink and uplink traffic channels to a called mobile station or a calling mobile station. See column 7 lines 45-51. In addition to the uplink and downlink channel assigned to an MS, Tanaka also discloses adding a downlink broadcast channel BCH, and broadcasts a broadcast frame outputted by the communication provider system by using this broadcast channel. See column 7 lines 51 – 58. According to Tanaka a receiver can switch channels from a broadcast channel to a traffic channel if "reception of the broadcast frame is allowed to discontinue while the user is in a communication status" which requires that code channels are allocated to the mobile station. Therefore, Tanaka fails to disclose "maintaining the CDMA connection with the CDMA user device when code channels are not allocated to the CDMA user device", as is recited in the pending claims.

Kanerva discloses a digital mobile communication system with a high-speed non-transparent data connection between a transmitting and a receiving party. The section cited by the Examiner is directed at a generic system of dividing

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Application No.: 09/997,733

dataflow into subchannels based on the user data rate. However, Kanerva fails to teach or suggest "maintaining the CDMA connection with the CDMA user device when code channels are not allocated to the CDMA user device."

Tanaka and Kanerva, either alone or in combination, fail to teach or suggest the pending claim 68. Accordingly, Applicants believe the claim to be novel and patentable over the cited art.

Claim 60 contains similar limitations as in claim 68, and Applicants believe it to be novel and patentable for the same reasons stated above.

Claims 61-67 and 69-75 are dependent upon claims 60 and 68, and the Applicants believe these claims are allowable over the cited references of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the 35 U.S.C. §103(a) rejection of claims 60-75 is respectfully requested.

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Application No.: 09/997,733

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosure